



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

1	UNITED STATES OF AMERICA,)	Magistrate's Case No.: 08MJ8159
2)	
3	Plaintiff,)	COMPLAINT FOR VIOLATION OF
4)	
5	v.)	Title 21 U.S.C. § 841(a)(1)
6)	Possession of a Controlled
7	Victor Manuel OROZCO-Aguirre,)	Substance with Intent to
8)	Distribute
9)	
10	Defendant)	
11)	

The undersigned complainant duly sworn states:

That on or about February 22, 2008, within the Southern District of California, defendant Victor Manuel OROZCO-Aguirre, did knowingly and intentionally possess with intent to distribute approximately 139.00 kilograms (308.20 pounds) of marijuana, a Schedule I Controlled Substance, in violation of Title 21 United States Code, Section 841(a)(1).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

A handwritten signature in cursive script, appearing to read "Joanne Camacho".

Joanne Camacho, Special Agent
Drug Enforcement Administration

Sworn to before me and subscribed in my presence, February 22, 2008.

A handwritten signature in cursive script, appearing to read "Peter C. Lewis".

Peter C. Lewis
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
v
2 Victor Manuel OROZCO-Aguirre

3 STATEMENT OF FACTS

4 This Statement of Facts is based on the reports, documents, and notes furnished to
5 Drug Enforcement Administration Special Agent Joanne Camacho.

6 On February 22, 2008, at approximately 11:30 P.M., United States Border Patrol
7 Agent (USBPA) T. Delgado was performing his official duties as a canine officer at the
8 Highway 86 Checkpoint. At that time, U.S. Border Patrol Agent (BPA) T. Delgado
9 observed a tractor trailer, later identified as driven by Victor Manuel OROZCO-Aguirre,
10 approach the primary inspection area of the checkpoint.

11 BPA Delgado conducted a pre-primary inspection of the tractor trailer with his
12 service issued canine. During this inspection, the canine alerted to the back of the trailer.
13 BPA D. Carney questioned OROZCO-Aguirre as to his citizenship. OROZCO-Aguirre
14 told the BPA Carney he was a Mexican citizen and presented BPA Carney with a valid U.S.
15 Visa. BPA Carney asked OROZCO-Aguirre to present his I-94 card, and OROZCO-Aguirre
16 presented him with his bill of lading. BPA Carney noticed OROZCO-Aguirre's hands were
17 shaking. BPA Carney requested and was granted permission to search the truck and the
18 trailer. BPA Carney referred OROZCO-Aguirre and the tractor trailer to secondary
19 inspection.

20 OROZCO-Aguirre exited the truck and BPA Maldonado questioned him regarding
21 his cargo. OROZCO-Aguirre stated that he was carrying empty beer bottles. OROZCO-
22 Aguirre immediately pulled off the metal seal to the door of the trailer without being
23 prompted by USBPA Maldonado. BPA Maldonado observed that OROZCO-Aguirre easily
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1 removed the metal security seal with his fingers. The metal security seal would normally
2 need to be removed with a tool.

3 After opening the trailer, BPA T. Delgado observed two black duffle bags propped in
4 the rear along with a medium-sized cardboard box, with a white bundle sitting on top of the
5 box. OROZCO-Aguirre stated he didn't know how the objects were placed in the trailer. A
6 search of the contents of the bags revealed 24 bundles wrapped in cellophane, with a total
7 weight of approximately 139.00 kilograms of marijuana.

8 The duffle bags were removed from the trailer and taken inside of the checkpoint for
9 testing. BPA T. Delgado performed a NIK test on one of the bundles which contained a
10 green leafy substance. The substance tested positive for the properties of marijuana.

11 Drug Enforcement Administration Special Agent Jeff Butler advised OROZCO-
12 Aguirre of his rights, per Miranda. OROZCO-Aguirre acknowledged his rights and agreed
13 to answer questions without the presence of an attorney. OROZCO-Aguirre stated he
14 picked up a trailer in Calexico, California on February 21, 2008. OROZCO-Aguirre stated
15 that he did not inspect the seal on the trailer or complete his log book for his current trip.
16 OROZCO-Aguirre had no explanation for why the number on the metal security seal did
17 not match the number on the bill of lading, and why the metal security seal was easily
18 removed.
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